B1 (Official Form 1) (04/13)

United States Bankruptcy Court
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

Voluntary Petition

Debtor	Joint Debtor
Name of Debtor (if individual, enter Last, First, Middle): **McBirnie, David W**	Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all): **xxx-xx-9135**	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all):
Street Address of Debtor (No. and Street, City, and State): **607 W. Second Van Horn, TX** ZIP CODE **79855**	Street Address of Joint Debtor (No. and Street, City, and State): ZIP CODE
County of Residence or of the Principal Place of Business: **Culberson**	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address): **P.O. Box 325 Van Horn, TX** ZIP CODE **79855**	Mailing Address of Joint Debtor (if different from street address): ZIP CODE

Location of Principal Assets of Business Debtor (if different from street address above): ZIP CODE

Type of Debtor
(Form of Organization)
(Check one box.)

- [x] Individual (includes Joint Debtors) *See Exhibit D on page 2 of this form.*
- [ ] Corporation (includes LLC and LLP)
- [ ] Partnership
- [ ] Other (If debtor is not one of the above entities, check this box and state type of entity below.)

Nature of Business
(Check one box.)

- [ ] Health Care Business
- [ ] Single Asset Real Estate as defined in 11 U.S.C. § 101(51B)
- [ ] Railroad
- [ ] Stockbroker
- [ ] Commodity Broker
- [ ] Clearing Bank
- [x] Other

Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box.)

- [ ] Chapter 7
- [ ] Chapter 9
- [x] Chapter 11
- [ ] Chapter 12
- [ ] Chapter 13
- [ ] Chapter 15 Petition for Recognition of a Foreign Main Proceeding
- [ ] Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding

Chapter 15 Debtors
Country of debtor's center of main interests:

Each country in which a foreign proceeding by, regarding, or against debtor is pending:

Tax-Exempt Entity
(Check box, if applicable.)

- [ ] Debtor is a tax-exempt organization under title 26 of the United States Code (the Internal Revenue Code).

Nature of Debts
(Check one box.)

- [ ] Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or house-hold purpose."
- [x] Debts are primarily business debts.

Filing Fee (Check one box.)

- [x] Full Filing Fee attached.
- [ ] Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A.
- [ ] Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.

Chapter 11 Debtors

Check one box:

- [ ] Debtor is a small business debtor as defined by 11 U.S.C. § 101(51D).
- [x] Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).

Check if:

- [ ] Debtor's aggregate noncontigent liquidated debts (excluding debts owed to insiders or affiliates) are less than $2,490,925 (amount subject to adjustment on 4/01/16 and every three years thereafter).

Check all applicable boxes:

- [ ] A plan is being filed with this petition.
- [ ] Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).

Statistical/Administrative Information

THIS SPACE IS FOR COURT USE ONLY

- [x] Debtor estimates that funds will be available for distribution to unsecured creditors.
- [ ] Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

Estimated Number of Creditors

[x] 1-49	[ ] 50-99	[ ] 100-199	[ ] 200-999	[ ] 1,000-5,000	[ ] 5,001-10,000	[ ] 10,001-25,000	[ ] 25,001-50,000	[ ] 50,001-100,000	[ ] Over 100,000

Estimated Assets

[ ] $0 to $50,000	[ ] $50,001 to $100,000	[x] $100,001 to $500,000	[ ] $500,001 to $1 million	[ ] $1,000,001 to $10 million	[ ] $10,000,001 to $50 million	[ ] $50,000,001 to $100 million	[ ] $100,000,001 to $500 million	[ ] $500,000,001 to $1 billion	[ ] More than $1 billion

Estimated Liabilities

[ ] $0 to $50,000	[ ] $50,001 to $100,000	[x] $100,001 to $500,000	[ ] $500,001 to $1 million	[ ] $1,000,001 to $10 million	[ ] $10,000,001 to $50 million	[ ] $50,000,001 to $100 million	[ ] $100,000,001 to $500 million	[ ] $500,000,001 to $1 billion	[ ] More than $1 billion

Voluntary Petition
(This page must be completed and filed in every case.)

Name of Debtor(s): David W McBirnie

All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet.)

Location Where Filed:	Case Number:	Date Filed:
None		
Location Where Filed:	Case Number:	Date Filed:

Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet.)

Name of Debtor:	Case Number:	Date Filed:
None		
District:	Relationship:	Judge:

Exhibit A
(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)

☐ Exhibit A is attached and made a part of this petition.

Exhibit B
(To be completed if debtor is an individual whose debts are primarily consumer debts.)
I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I have delivered to the debtor the notice required by 11 U.S.C. § 342(b).

X______________________________
Date

Exhibit C
Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?
☐ Yes, and Exhibit C is attached and made a part of this petition.
☑ No.

Exhibit D
(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)
☑ Exhibit D, completed and signed by the debtor, is attached and made a part of this petition.
If this is a joint petition:
☐ Exhibit D, also completed and signed by the joint debtor, is attached and made a part of this petition.

Information Regarding the Debtor - Venue
(Check any applicable box.)

☑ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately

☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

☐ Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no
principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state

Certification by a Debtor Who Resides as a Tenant of Residential Property
(Check all applicable boxes.)

☐ Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)

____
(Name of landlord that obtained judgment)

____
(Address of landlord)

☐ Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire

☐ Debtor has included with this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the

☐ Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).

Voluntary Petition

(This page must be completed and filed in every case)

Name of Debtor(s): David W McBirnie

Signatures

Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X David W McBirnie

David W McBirnie

X ______________________

____
Telephone Number (If not represented by attorney)

8/1/2015
Date

Signature of Attorney*

X Corey W. Haugland

Corey W. Haugland Bar No.09234200

James & Haugland P.C.
609 Montana Avenue
El Paso, TX 79902

Phone No.(915) 532-3911 Fax No.(915) 541-6440

8/1/2015
Date

*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X ______________________
Signature of Authorized Individual

____
Printed Name of Authorized Individual

____
Title of Authorized Individual

____
Date

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

☐ I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. § 1515 are attached.

☐ Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X ______________________
(Signature of Foreign Representative)

____
(Printed Name of Foreign Representative)

____
Date

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

____
Printed Name and title, if any, of Bankruptcy Petition Preparer

____
Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social-Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

____
Address

X ______________________

____
Date

Signature of bankruptcy petiton preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual.

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

IN RE: **David W McBirnie**

CASE NO

CHAPTER **11**

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above-named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept:	**$2,700.00**
Prior to the filing of this statement I have received:	**$2,700.00**
Balance Due:	**$0.00**

2. The source of the compensation paid to me was:
   ☑ Debtor ☐ Other (specify)
3. The source of compensation to be paid to me is:
   ☑ Debtor ☐ Other (specify)
4. ☑ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

   ☐ I have agreed to share the above-disclosed compensation with another person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation, is attached.

5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:
   a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
   b. Preparation and filing of any petition, schedules, statements of affairs and plan which may be required;

6. By agreement with the debtor(s), the above-disclosed fee does not include the following services:

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

8/1/2015
Date

Corey W. Haugland Bar No. 09234200
James & Haugland P.C.
609 Montana Avenue
El Paso, TX 79902
Phone: (915) 532-3911 / Fax: (915) 541-6440

David W McBirnie

B4 (Official Form 4) (12/07)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

IN RE: **David W McBirnie**

Case No.

Chapter **11**

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Continuation Sheet No. 1

I declare under penalty of perjury that I have read the foregoing list and that it is true and correct to the best of my information and belief.

Date: **8/1/2015**

Signature: David W McBirnie
David W McBirnie

B4 (Official Form 4) (12/07)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

IN RE: **David W McBirnie**

Case No.

Chapter **11**

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

(1) Name of creditor and complete mailing address, including	(2) Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar	(3) Nature of claim (trade debt, bank loan,	(4) Indicate if claim is contingent, unliquidated, disputed, or subject to	(5) Amount of claim [if secured also state value of security]
TransPecos Bank c/o Jody Jenkins P.O. Box 420 Lubbock, TX 79408		Other	*Contingent* *Unliquidated* *Disputed*	**$235,000.00**
Culberson County Tax Assessor P.O. Box 668 Van Horn, TX 79855		Taxes	*Unliquidated*	**$2,800.00** **Value: $0.00**
Karastan 508 East Morris Street Dalton, GA 30721		Credit Card		**$2,000.00**
Chase P.O. Box 94014 Palatine, IL 60094		Credit Card		**$799.85**
American Express P.O. Box 650448 Dallas, TX 75265-0448		Credit Card		**$590.43**
Military Star 3911 S. Walton Wallar Blvd. Dallas, TX 75236-1598		Credit Card		**$100.00**

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

IN RE: **David W McBirnie** CASE NO

CHAPTER **11**

VERIFICATION OF CREDITOR MATRIX

The above named Debtor hereby verifies that the attached list of creditors is true and correct to the best of his/her knowledge.

Date 8/1/2015 Signature David W McBirnie
David W McBirnie

Date ______ Signature ______

American Express
P.O. Box 650448
Dallas, TX 75265-0448

Chase
P.O. Box 94014
Palatine, IL 60094

Comptroller Public Account
P.O. Box 149348
Austin, TX 78714-9348

Culberson County Tax Assessor
P.O. Box 668
Van Horn, TX 79855

David Aelvoet
Linebarger, Goggan, Blair
711 Navarro, Suite 300
San Antonio, TX 78205

David D. McBirnie (Son)

Ford Motor Credit
P.O. Box 542000
Omaha, NE 68154-8000

Internal Revenue Service
P. O. Box 7346
Philadelphia, PA 19101-7346

Internal Revenue Service
P. O. Box 21126
Philadelphia, PA 19114

Karastan
508 East Morris Street
Dalton, GA 30721

Military Star
3911 S. Walton Wallar Blvd.
Dallas, TX 75236-1598

Steven C. James
521 Texas Avenue
El Paso, TX 79901

TransPecos Bank
c/o Jody Jenkins
P.O. Box 420
Lubbock, TX 79408

United States Attorney
601 N.W. Loop 410, Suite 600
San Antonio, Texas 78216

United States Trustee
P.O. Box 1539
San Antonio, TX 78295

B 6 Summary (Official Form 6 - Summary) (12/14)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

In re **David W McBirnie**

Case No.

Chapter **11**

SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts of all claims from Schedules D, E, and F to determine the total amount of the debtor's liabilities. Individual debtors also must complete the "Statistical Summary of Certain Liabilities and Related Data" if they file a case under chapter 7, 11, or 13.

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property	Yes	1	$174,650.00		
B - Personal Property	Yes	4	$55,450.65		
C - Property Claimed as Exempt	Yes	1			
D - Creditors Holding Secured Claims	Yes	1		$18,800.00	
E - Creditors Holding Unsecured Priority Claims (Total of Claims on Schedule E)	Yes	1		$0.00	
F - Creditors Holding Unsecured Nonpriority Claims	Yes	2		$238,490.28	
G - Executory Contracts and Unexpired Leases	Yes	1			
H - Codebtors	Yes	1			
I - Current Income of Individual Debtor(s)	Yes	2			$4,656.08
J - Current Expenditures of Individual Debtor(s)	Yes	3			$4,368.08
	TOTAL	17	$230,100.65	$257,290.28	

B6A (Official Form 6A) (12/07)

In re David W McBirnie

Case No. ____________________
(if known)

SCHEDULE A - REAL PROPERTY

Description and Location of Property	Nature of Debtor's Interest in Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, Without Deducting Any Secured Claim or Exemption	Amount Of Secured Claim
607 W. Second, Van Horn Texas 79835 Lots 10-12, Block 56	.7774284NRI / 100%OI	C	$94,290.00	$0.00
515 Van Horn Drive, Van Horn, TX 79855 Lots 14-16, Block 128 Wife's Sole Management Community Property	.7774284NRI / 100%OI	W	$80,360.00	$0.00
		Total:	$174,650.00	

(Report also on Summary of Schedules)

B6B (Official Form 6B) (12/07)

In re David W McBirnie

Case No. ________________ (if known)

SCHEDULE B - PERSONAL PROPERTY

Type of Property	None	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, Without Deducting any Secured Claim or Exemption
1. Cash on hand.		Cash	C	$500.00
2. Checking, savings or other financial accounts, certificates of deposit or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		Pecos County State Bank/Checking #106704	C	$900.00
		Navy Federal Credit Union (savings) #0000003027074172	C	$3,000.65
		Navy Federal Credit Union Debit/Checking #0000007020357351	C	$800.00
3. Security deposits with public utilities, telephone companies, landlords, and others.	X			
4. Household goods and furnishings, including audio, video and computer equipment.		Household Goods and Furnishings	C	$15,000.00
5. Books; pictures and other art objects; antiques; stamp, coin, record, tape, compact disc, and other collections or collectibles.	X			
6. Wearing apparel.	X			
7. Furs and jewelry.	X			
8. Firearms and sports, photographic, and other hobby equipment.	X			
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.		Accidental Death Policy for $200,000. Term Policy.	C	$0.00
10. Annuities. Itemize and name each issuer.	X			

In re **David W McBirnie** Case No. ____________________ (if known)

SCHEDULE B - PERSONAL PROPERTY

Continuation Sheet No. 1

Type of Property	None	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, Without Deducting any Secured Claim or Exemption
11. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s). 11 U.S.C. § 521(c).)	X			
12. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.	X			
13. Stock and interests in incorporated and unincorporated businesses. Itemize.	X			
14. Interests in partnerships or joint ventures. Itemize.	X			
15. Government and corporate bonds and other negotiable and non-negotiable instruments.	X			
16. Accounts receivable.	X			
17. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	X			
18. Other liquidated debts owed to debtor including tax refunds. Give particulars.	X			

In re David W McBirnie

Case No. ______________________
(if known)

SCHEDULE B - PERSONAL PROPERTY

Continuation Sheet No. 2

Type of Property	None	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, Without Deducting any Secured Claim or Exemption
19. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule A - Real Property.	X			
20. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			
21. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X			
22. Patents, copyrights, and other intellectual property. Give particulars.	X			
23. Licenses, franchises, and other general intangibles. Give particulars.	X			
24. Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes.	X			
25. Automobiles, trucks, trailers, and other vehicles and accessories.		2008 Ford Edge	C	$6,000.00
		2013 Ford F-150	C	$20,000.00

B6B (Official Form 6B) (12/07) -- Cont.

In re **David W McBirnie**

Case No. ____________________
(if known)

SCHEDULE B - PERSONAL PROPERTY

Continuation Sheet No. 3

Type of Property	None	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, Without Deducting any Secured Claim or Exemption
26. Boats, motors, and accessories.	X			
27. Aircraft and accessories.	X			
28. Office equipment, furnishings, and supplies.	X			
29. Machinery, fixtures, equipment, and supplies used in business.		Total Personal Property and Inventory for Papa's Pantry	C	$9,250.00
30. Inventory.	X			
31. Animals.	X			
32. Crops - growing or harvested. Give particulars.	X			
33. Farming equipment and implements.	X			
34. Farm supplies, chemicals, and feed.	X			
35. Other personal property of any kind not already listed. Itemize.	X			

3 continuation sheets attached

(Include amounts from any continuation sheets attached. Report total also on Summary of Schedules.)

Total > **$55,450.65**

B6C (Official Form 6C) (4/13)

In re David W McBirnie

Case No. ____________________
(If known)

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

Debtor claims the exemptions to which debtor is entitled under:
(Check one box)

☐ 11 U.S.C. § 522(b)(2)
☑ 11 U.S.C. § 522(b)(3)

☐ Check if debtor claims a homestead exemption that exceeds $155,675.*

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
607 W. Second, Van Horn Texas 79835 Lots 10-12, Block 56	Const. art. 16 §§ 50, 51, Texas Prop. Code §§ 41.001-.002	$94,290.00	$94,290.00
Household Goods and Furnishings	Tex. Prop. Code §§ 42.001(a), 42.002 (a)(1)	$15,000.00	$15,000.00
Accidental Death Policy for $200,000. Term Policy.	Tex. Ins. Code §§ 1108.001, 1108.051	$0.00	$0.00
2008 Ford Edge	Tex. Prop. Code §§ 42.001(a), 42.002 (a)(9)	$6,000.00	$6,000.00
2013 Ford F-150	Tex. Prop. Code §§ 42.001(a), 42.002 (a)(9)	$4,000.00	$20,000.00
Total Personal Property and Inventory for Papa's Pantry	Tex. Prop. Code §§ 42.001(a), 42.002 (a)(4)	$9,250.00	$9,250.00
		$128,540.00	**$144,540.00**

** Amount subject to adjustment on 4/01/16 and every three years thereafter with respect to c commenced on or after the date of adjustment.*

B6D (Official Form 6D) (12/07)

In re David W McBirnie

Case No. ____________________
(if known)

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE AND AN ACCOUNT NUMBER (See Instructions Above.)	CODEBTOR	HUSBAND, WIFE, JOINT, OR COMMUNITY	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
ACCT #: **Culberson County Tax Assessor** **P.O. Box 668** **Van Horn, TX 79855**		C	DATE INCURRED: NATURE OF LIEN: **Taxes** COLLATERAL: **Debtor's Real Property and Personal P** REMARKS: **Statutory Lien on Debtor's Real Property and Personal Property in Business.** VALUE: **$0.00**		X		**$2,800.00**	**$2,800.00**
ACCT #: **Ford Motor Credit** **P.O. Box 542000** **Omaha, NE 68154-8000**		H	DATE INCURRED: **2013** NATURE OF LIEN: **Purchase Money** COLLATERAL: **2013 Ford F-150** REMARKS: VALUE: **$20,000.00**				**$16,000.00**	
						Subtotal (Total of this Page) >	**$18,800.00**	**$2,800.00**
						Total (Use only on last page) >	**$18,800.00**	**$2,800.00**
							(Report also on Summary of Schedules.)	(If applicable, report also on Statistical Summary of Certain Liabilities

No continuation sheets attached

B6E (Official Form 6E) (04/13)

In re David W McBirnie

Case No. ______________________
(If Known)

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

☑ Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

TYPES OF PRIORITY CLAIMS (Check the appropriate box(es) below if claims in that category are listed on the attached sh

☐ **Domestic Support Obligations**
Claims for domestic support that are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian,
or responsible relative of such a child, or a governmental unit to whom such a domestic support claim has been assigned to

☐ **Extensions of credit in an involuntary case**
Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of

☐ **Wages, salaries, and commissions**
Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to
qualifying independent sales representatives up to $12,475* per person earned within 180 days immediately preceding the

☐ **Contributions to employee benefit plans**
Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the

☐ **Certain farmers and fishermen**
Claims of certain farmers and fishermen, up to $6,150* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. §

☐ **Deposits by individuals**
Claims of individuals up to $2,775* for deposits for the purchase, lease or rental of property or services for personal, family, or household use,

☐ **Taxes and Certain Other Debts Owed to Governmental Units**
Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)

☐ **Commitments to Maintain the Capital of an Insured Depository Institution**
Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors
of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository

☐ **Claims for Death or Personal Injury While Debtor Was Intoxicated**
Claims for death or personal injury resulting from the operation of a motor vehicle or vessel while the debtor was intoxicated from using

☐ **Administrative allowances under 11 U.S.C. Sec. 330**
Claims based on services rendered by the trustee, examiner, professional person, or attorney and by any paraprofessional person employed

** Amounts are subject to adjustment on 4/01/16, and every three years thereafter with respect to cases commenced on or after the date of*

No continuation sheets attached

B6F (Official Form 6F) (12/07)

In re David W McBirnie

Case No. ______________________
(if known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

☐ Check this box if debtor has no creditors holding unsecured claims to report on this Schedule F.

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTOR	HUSBAND, WIFE, JOINT, OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCT #: xxxnown **American Express** **P.O. Box 650448** **Dallas, TX 75265-0448**		H	DATE INCURRED: CONSIDERATION: **Credit Card** REMARKS:				**$590.43**
ACCT #: xxxnown **Chase** **P.O. Box 94014** **Palatine, IL 60094**		H	DATE INCURRED: CONSIDERATION: **Credit Card** REMARKS:				**$799.85**
ACCT #: **Comptroller Public Account** **P.O. Box 149348** **Austin, TX 78714-9348**		-	DATE INCURRED: CONSIDERATION: **Other** REMARKS:				**Notice Only**
ACCT #: **David Aelvoet** **Linebarger, Goggan, Blair** **711 Navarro, Suite 300** **San Antonio, TX 78205**		-	DATE INCURRED: CONSIDERATION: **Notice Only** REMARKS:				**Notice Only**
ACCT #: **Internal Revenue Service** **P. O. Box 7346** **Philadelphia, PA 19101-7346**		-	DATE INCURRED: CONSIDERATION: **Notice Only** REMARKS:				**Notice Only**
ACCT #: xxxnown **Karastan** **508 East Morris Street** **Dalton, GA 30721**		H	DATE INCURRED: CONSIDERATION: **Credit Card** REMARKS:				**$2,000.00**
						Subtotal >	**$3,390.28**
						Total >	

(Use only on last page of the completed Schedule F.)
(Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)

___1___ continuation sheets attached

B6F (Official Form 6F) (12/07) - Cont.

In re David W McBirnie

Case No. ______________________ (if known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTOR	HUSBAND, WIFE, JOINT, OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCT #: xxxnown **Military Star** **3911 S. Walton Wallar Blvd.** **Dallas, TX 75236-1598**		H	DATE INCURRED: CONSIDERATION: **Credit Card** REMARKS:				**$100.00**
ACCT #: **Steven C. James** **521 Texas Avenue** **El Paso, TX 79901**		H	DATE INCURRED: CONSIDERATION: **Notice Only** REMARKS:				**Notice Only**
ACCT #: **TransPecos Bank** **c/o Jody Jenkins** **P.O. Box 420** **Lubbock, TX 79408**	X	H	DATE INCURRED: CONSIDERATION: **Other** REMARKS: **Summary Judgment**	X	X	X	**$235,000.00**
ACCT #: **United States Attorney** **601 N.W. Loop 410, Suite 600** **San Antonio, Texas 78216**		-	DATE INCURRED: CONSIDERATION: **Notice Only** REMARKS:				**Notice Only**
ACCT #: **United States Trustee** **P.O. Box 1539** **San Antonio, TX 78295**		-	DATE INCURRED: CONSIDERATION: **Trustee** REMARKS:				**Notice Only**

Sheet no. 1 of 1 continuation sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal > **$235,100.00**

Total > **$238,490.28**

(Use only on last page of the completed Schedule F.)
(Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)

B6G (Official Form 6G) (12/07)

In re David W McBirnie

Case No. ____________________ (if known)

SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests. State nature of debtor's interest in contract, i.e., "Purchaser," "Agent," etc. State whether debtor is the lessor or lessee of a lease. Provide the names and complete mailing addresses of all other parties to each lease or contract described. If a minor child is a party to one of the leases of contracts, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

☑ Check this box if debtor has no executory contracts or unexpired leases.

NAME AND MAILING ADDRESS, INCLUDING ZIP CODE, OF OTHER PARTIES TO LEASE OR CONTRACT.	DESCRIPTION OF CONTRACT OR LEASE AND NATURE OF DEBTOR'S INTEREST. STATE WHETHER LEASE IS FOR NONRESIDENTIAL REAL PROPERTY. STATE CONTRACT NUMBER OF ANY GOVERNMENT CONTRACT.

B6H (Official Form 6H) (12/07)
In re David W McBirnie

Case No. ______________________
(if known)

SCHEDULE H - CODEBTORS

Provide the information requested concerning any person or entity, other than a spouse in a joint case, that is also liable on any debts listed by the debtor
in the schedules of creditors. Include all guarantors and co-signers. If the debtor resides or resided in a community property state, commonwealth, or
territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within the eight-
year period immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or

☐ Check this box if debtor has no codebtors.

NAME AND ADDRESS OF CODEBTOR	NAME AND ADDRESS OF CREDITOR
David D. McBirnie (Son)	**TransPecos Bank** c/o Jody Jenkins P.O. Box 420 Lubbock, TX 79408
Spouse Name Not Entered	**Culberson County Tax Assessor** P.O. Box 668 Van Horn, TX 79855

Fill in this information to identify your case:

Debtor 1	David	W	McBirnie
	First Name	Middle Name	Last Name
Debtor 2 (Spouse, if filing)			
	First Name	Middle Name	Last Name

United States Bankruptcy Court for the: WESTERN DISTRICT OF TEXAS

Case number (if known)

Check if this is:

☐ An amended filing

☐ A supplement showing post-petition chapter 13 income as of the following date:

MM / DD / YYYY

Official Form B 6I

Schedule I: Your Income

12/13

Be as complete and accurate as possible. If two married people are filing together (Debtor 1 and Debtor 2), both are equally responsible for supplying correct information. If you are married and not filing jointly, and your spouse is living with you, include information about your spouse. If you are separated and your spouse is not filing with you, do not include information about your spouse. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write

Part 1: Describe Employment

1. Fill in your employment information.
If you have more than one job, attach a separate page with information about additional employers.

Include part-time, seasonal, or self-employed work.

	Debtor 1	Debtor 2 or non-filing spouse
Employment status	☐ Employed ☑ Not employed	☑ Employed ☐ Not employed
Occupation	Retired	Restauratuer
Employer's name		Papa's Pantry
Employer's address	607 W. Second Number Street Van Horn, TX 79835 City State Zip Code	515 Van Horn Drive Number Street Van Horn, TX 79855 City State Zip Code
How long employed there?		20 years

Part 2: Give Details About Monthly Income

Estimate monthly income as of the date you file this form. If you have nothing to report for any line, write $0 in the space. Include your non-filing spouse unless you are separated.

If you or your non-filing spouse have more than one employer, combine the information for all employers for that person on the lines below. If

		For Debtor 1	For Debtor 2 or non-filing spouse
2. **List monthly gross wages, salary, and commissions** (before all payroll deductions). If not paid monthly, calculate what the monthly wage would be.	2.	$0.00	$321.50
3. **Estimate and list monthly overtime pay.**	3. +	$0.00	$0.00
4. **Calculate gross income.** Add line 2 + line 3.	4.	$0.00	$321.50

Debtor 1 David W McBirnie — Case number (if known)

First Name / Middle Name / Last Name

			For Debtor 1	For Debtor 2 or non-filing spouse
	Copy line 4 here	4.	$0.00	$321.50
5.	**List all payroll deductions:**			
	5a. Tax, Medicare, and Social Security deductions	5a.	$0.00	$45.42
	5b. Mandatory contributions for retirement plans	5b.	$0.00	$0.00
	5c. Voluntary contributions for retirement plans	5c.	$0.00	$0.00
	5d. Required repayments of retirement fund loans	5d.	$0.00	$0.00
	5e. Insurance	5e.	$0.00	$0.00
	5f. Domestic support obligations	5f.	$0.00	$0.00
	5g. Union dues	5g.	$0.00	$0.00
	5h. Other deductions. Specify:	5h.+	$0.00	$0.00
6.	**Add the payroll deductions** Add lines 5a + 5b + 5c + 5d + 5e + 5f + 5g + 5h.	6.	$0.00	$45.42
7.	**Calculate total monthly take-home pay** Subtract line 6 from line 4.	7.	$0.00	$276.08
8.	**List all other income regularly received:**			
	8a. Net income from rental property and from operating a Attach a statement for each property and business showing gross receipts, ordinary and necessary business	8a.	$0.00	$0.00
	8b. Interest and dividends	8b.	$0.00	$0.00
	8c. Family support payments that you, a non-filing spouse, or a Include alimony, spousal support, child support, maintenance,	8c.	$0.00	$0.00
	8d. Unemployment compensation	8d.	$0.00	$0.00
	8e. Social Security	8e.	$980.00	$0.00
	8f. Other government assistance that you regularly receive Include cash assistance and the value (if known) or any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Specify: **VA Disability**	8f.	$3,400.00	$0.00
	8g. Pension or retirement income	8g.	$0.00	$0.00
	8h. Other monthly income. Specify:	8h.+	$0.00	$0.00
9.	**Add all other income** Add lines 8a + 8b + 8c + 8d + 8e + 8f + 8g + 8h.	9.	$4,380.00	$0.00
10.	**Calculate monthly income** Add line 7 + line 9. Add the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.	10.	$4,380.00 +	$276.08 = $4,656.08

11. **State all other regular contributions to the expenses that you list in Schedule J.**
Include contributions from an unmarried partner, members of your household, your dependents, your roommates, and other friends or relatives.

Specify: ______ 11. + $0.00

12. **Add the amount in the last column of line 10 to the amount in line 11.** The result is the combined monthly income. Write that amount on the Summary of Schedules and Statistical Summary of Certain Liabilities and Related Data, if it applies. 12. $4,656.08

Combined monthly income

13. **Do you expect an increase or decrease within the year after you file this form?**

☐ No.

☑ Yes. Explain: Cost of Living Adjustments

Fill in this information to identify your case:

Debtor 1	David	W	McBirnie
	First Name	Middle Name	Last Name
Debtor 2 (Spouse, if filing)			
	First Name	Middle Name	Last Name

United States Bankruptcy Court for the WESTERN DISTRICT OF TEXAS

Case number (if known) __________

Check if this is:

☐ An amended filing

☐ A supplement showing post-petition chapter 13 expenses as of the following date:

____
MM / DD / YYYY

☐ A separate filing for Debtor 2 because Debtor 2 maintains a separate household

Official Form B 6J

Schedule J: Your Expenses

12/13

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying
correct information. If more space is needed, attach another sheet to this form. On the top of any additional pages, write

Part 1: Describe Your Household

1. **Is this a joint case?**

   ☑ No. Go to line 2.
   ☐ Yes. **Does Debtor 2 live in a separate household?**
   - ☐ No
   - ☐ Yes. Debtor 2 must file a separate Schedule J.

2. **Do you have dependents?** ☑ No ☐ Yes. Fill out this information for each dependent..............

   Do not list Debtor 1 and Debtor 2.

   Do not state the dependents' names.

Dependent's relationship to Debtor 1 or Debtor 2	Dependent's age	Does dependent live with you?
		☐ No ☐ Yes
		☐ No ☐ Yes
		☐ No ☐ Yes
		☐ No ☐ Yes
		☐ No ☐ Yes

3. **Do your expenses include expenses of people other than yourself and your dependents?** ☑ No ☐ Yes

Part 2: Estimate Your Ongoing Monthly Expenses

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case
to report expenses as of a date after the bankruptcy is filed. If this is a supplemental Schedule J, check the box at the top

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on Schedule I: Your Income (Official Form B 6I.)

		Your expenses
4. **The rental or home ownership expenses for your residence.** Include first mortgage payments and any rent for the ground or lot.	4.	
If not included in line 4:		
4a. Real estate taxes	4a.	
4b. Property, homeowner's, or renter's insurance	4b.	$108.33
4c. Home maintenance, repair, and upkeep expenses	4c.	$200.00
4d. Homeowner's association or condominium dues	4d.	

Debtor 1 David W McBirnie Case number (if known)
First Name Middle Name Last Name

		Your expenses
5. Additional mortgage payments for your residence, such as home equity loans	5.	
6. Utilities:		
6a. Electricity, heat, natural gas	6a.	$300.00
6b. Water, sewer, garbage collection	6b.	$25.00
6c. Telephone, cell phone, Internet, satellite, and cable services	6c.	$125.00
6d. Other. Specify:	6d.	
7. Food and housekeeping supplies	7.	$600.00
8. Childcare and children's education costs	8.	
9. Clothing, laundry, and dry cleaning	9.	$100.00
10. Personal care products and services	10.	$20.00
11. Medical and dental expenses	11.	
12. Transportation Include gas, maintenance, bus or train fare. Do not include car payments.	12.	$400.00
13. Entertainment, clubs, recreation, newspapers, magazines, and books	13.	
14. Charitable contributions and religious donations	14.	$350.00
15. Insurance. Do not include insurance deducted from your pay or included in lines 4 or 20.		
15a. Life insurance	15a.	$220.00
15b. Health insurance	15b.	
15c. Vehicle insurance	15c.	$170.00
15d. Other insurance. Specify:	15d.	
16. Taxes. Do not include taxes deducted from your pay or included in lines 4 or 20. Specify:	16.	
17. Installment or lease payments:		
17a. Car payments for Vehicle 1 2013 Ford F-150	17a.	$534.00
17b. Car payments for Vehicle 2	17b.	
17c. Other. Specify:	17c.	
17d. Other. Specify:	17d.	
18. Your payments of alimony, maintenance, and support that you did not report as deducted from your pay on line 5, Schedule I, Your Income (Official Form B 6I).	18.	
19. Other payments you make to support others who do not live with you. Specify: Support of Sister	19.	$980.00
20. Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income.		
20a. Mortgages on other property	20a.	
20b. Real estate taxes	20b.	$235.75
20c. Property, homeowner's, or renter's insurance	20c.	
20d. Maintenance, repair, and upkeep expenses	20d.	
20e. Homeowner's association or condominium dues	20e.	

21.	**Other.** Specify:	21.	+
22.	**Your monthly expenses** Add lines 4 through 21. The result is your monthly expenses.	22.	**$4,368.08**
23.	**Calculate your monthly net income.**		
23a.	Copy line 12 (your combined monthly income) from Schedule I.	23a.	**$4,656.08**
23b.	Copy your monthly expenses from line 22 above.	23b.	– **$4,368.08**
23c.	Subtract your monthly expenses from your monthly income. The result is your monthly net income.	23c.	**$288.00**

24. Do you expect an increase or decrease in your expenses within the year after you file this form?

For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage

- [x] No.
- [ ] Yes. Explain here:

B6 Declaration (Official Form 6 - Declaration) (12/07)

In re **David W McBirnie** Case No. ______________ (if known)

DECLARATION CONCERNING DEBTOR'S SCHEDULES

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of **19** sheets, and that they are true and correct to the best of my knowledge, information, and belief.

Date **8/1/2015** Signature David W McBirnie
David W McBirnie

Date ______________ Signature ______________

[If joint case, both spouses must sign.]

Penalty for making a false statement or concealing property: Fine of up to $500,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 and 3571.

B7 (Official Form 7) (04/13)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

In re: **David W McBirnie**

Case No. ____________________
(if known)

STATEMENT OF FINANCIAL AFFAIRS

1. Income from employment or operation of business

None ☑

State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business,
including part-time activities either as an employee or in independent trade or business, from the beginning of this calendar year to the date this
case was commenced. State also the gross amounts received during the TWO YEARS immediately preceding this calendar year. (A debtor that
maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income.

2. Income other than from employment or operation of business

None ☐

State the amount of income received by the debtor other than from employment, trade, profession, or operation of the debtor's business during the
TWO YEARS immediately preceding the commencement of this case. Give particulars. If a joint petition is filed, state income for each spouse

AMOUNT	SOURCE
$47,760.00	Military Pension, V.A. Disability, and Social Security for years 2013 and 2014
$15,920.00	Military Pension, V.A. Disability, and Social Security for 2015 to Date

3. Payments to creditors

Complete a. or b., as appropriate, and c.

None ☑

a. Individual or joint debtor(s) with primarily consumer debts: List all payments on loans, installment purchases of goods or services, and other
debts to any creditor made within 90 DAYS immediately preceding the commencement of this case unless the aggregate value of all property that
constitutes or is affected by such transfer is less than $600. Indicate with an asterisk (*) any payments that were made to a creditor on account

None ☑

b. Debtor whose debts are not primarily consumer debts: List each payment or other transfer to any creditor made within 90 DAYS immediately
preceding the commencement of the case unless the aggregate value of all property that constitutes or is affected by such transfer is less than
$6,225*. If the debtor is an individual, indicate with an asterisk (*) any payments that were made to a creditor on account of a domestic support
obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and credit counseling agency.

None ☑

c. All debtors: List all payments made within ONE YEAR immediately preceding the commencement of this case to or for the benefit of creditors
who are or were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both

4. Suits and administrative proceedings, executions, garnishments and attachments

None ☐

a. List all suits and administrative proceedings to which the debtor is or was a party within ONE YEAR immediately preceding the filing of this
bankruptcy case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both

CAPTION OF SUIT AND CASE NUMBER	NATURE OF PROCEEDIN	COURT OR AGENCY AND LOCATION	STATUS OR DISPOSITION
TransPecos Banks v. David D. McBirnie and David W. McBirnie; Case Number 13-08-20457-CVR	Collection	143rd District Court of Reeves County, Texas	Final Summary Judgment entered May 2, 2014

B7 (Official Form 7) (04/13)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

In re: David W McBirnie

Case No. ________________
(if known)

STATEMENT OF FINANCIAL AFFAIRS

Continuation Sheet No. 1

None ☑

b. Describe all property that has been attached, garnished or seized under any legal or equitable process within ONE YEAR immediately
preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information

---

5. Repossessions, foreclosures and returns

None ☑

List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned
to the seller, within ONE YEAR immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must

---

6. Assignments and receiverships

None ☑

a. Describe any assignment of property for the benefit of creditors made within 120 DAYS immediately preceding the commencement of this
case. (Married debtors filing under chapter 12 or chapter 13 must include any assignment by either or both spouses whether or

---

None ☑

b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within ONE YEAR immediately preceding the
commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property

---

7. Gifts

None ☐

List all gifts or charitable contributions made within ONE YEAR immediately preceding the commencement of this case except ordinary and usual
gifts to family members aggregating less than $200 in value per individual family member and charitable contributions aggregating less than $100

NAME AND ADDRESS OF PERSON OR ORGANIZATION	RELATIONSHIP TO DEBTOR, IF ANY	DATE OF GIFT	DESCRIPTION AND VALUE OF GIFT
Mari Munro 4200 O'Keefe El Paso, Texas 79902-1318	sister	Monthly	$980.00 per month since debtor began receiving social security
Our Lady of Fatima Van Horn, Texas	Church	Monthly	$100.00 per month
Progress 2014 St. Matthew Street El Paso, Texas	Church related	Monthly	$250.00 per month

---

8. Losses

None ☑

List all losses from fire, theft, other casualty or gambling within ONE YEAR immediately preceding the commencement of this case OR SINCE THE
COMMENCEMENT OF THIS CASE. (Married debtors filing under chapter 12 or chapter 13 must include losses by either or both

B7 (Official Form 7) (04/13)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

In re: **David W McBirnie**

Case No. ____________________ (if known)

STATEMENT OF FINANCIAL AFFAIRS

Continuation Sheet No. 2

9. Payments related to debt counseling or bankruptcy

None ☐

List all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt
consolidation, relief under the bankruptcy law or preparation of a petition in bankruptcy within ONE YEAR immediately preceding

NAME AND ADDRESS OF PAYEE	DATE OF PAYMENT, NAME OF PAYER IF OTHER THAN DEBTOR	AMOUNT OF MONEY OR DESCRIPTIO AND VALUE OF PROPERTY
James & Haugland, P.C. **609 Montana Avenue** **El Paso, Texas**		**$310.00 - August 6, 2014**

10. Other transfers

None ☑

a. List all other property, other than property transferred in the ordinary course of the business or financial affairs of the debtor, transferred
either absolutely or as security within TWO YEARS immediately preceding the commencement of this case. (Married debtors filing under chapter

None ☑

b. List all property transferred by the debtor within TEN YEARS immediately preceding the commencement of this case to a self-settled trust or

11. Closed financial accounts

None ☑

List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold, or otherwise
transferred within ONE YEAR immediately preceding the commencement of this case. Include checking, savings, or other financial accounts,
certificates of deposit, or other instruments; shares and share accounts held in banks, credit unions, pension funds, cooperatives, associations,

12. Safe deposit boxes

None ☑

List each safe deposit or other box or depository in which the debtor has or had securities, cash, or other valuables within ONE YEAR immediately
preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include boxes or

13. Setoffs

None ☑

List all setoffs made by any creditor, including a bank, against a debt or deposit of the debtor within 90 DAYS preceding the commencement of this
case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether

14. Property held for another person

None ☑

List all property owned by another person that the debtor holds or controls.

15. Prior address of debtor

None ☑

If the debtor has moved within THREE YEARS immediately preceding the commencement of this case, list all premises which the debtor occupied
during that period and vacated prior to the commencement of this case. If a joint petition is filed, report also any separate address

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UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

In re: **David W McBirnie**

Case No. ______________________
(if known)

STATEMENT OF FINANCIAL AFFAIRS

Continuation Sheet No. 3

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16. Spouses and Former Spouses

None ☐

If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana,
Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within EIGHT YEARS immediately preceding the

NAME
Adela. McBIrnie

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17. Environmental Information

For the purpose of this question, the following definitions apply:

"Environmental Law" means any federal, state, or local statute or regulation regulating pollution, contamination, releases of hazardous or toxic
substances, wastes or material into the air, land, soil, surface water, groundwater, or other medium, including, but not limited to, statutes or
regulations regulating the cleanup of these substances, wastes, or material.

"Site" means any location, facility, or property as defined under any Environmental Law, whether or not presently or formerly owned or operated
by the debtor, including, but not limited to, disposal sites.

None ☑ a. List the name and address of every site for which the debtor has received notice in writing by a governmental unit that it may be liable or
potentially liable under or in violation of an Environmental Law. Indicate the governmental unit, the date of the notice, and, if

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None ☑ b. List the name and address of every site for which the debtor provided notice to a governmental unit of a release of Hazardous Material.

None ☑ c. List all judicial or administrative proceedings, including settlements or orders, under any Environmental Law with respect to which the debtor is

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18. Nature, location and name of business

None ☐

a. If the debtor is an individual, list the names, addresses, taxpayer-identification numbers, nature of the businesses, and beginning and ending
dates of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, partner in a partnership,
sole proprietor, or was self-employed in a trade, profession, or other activity either full- or part-time within SIX YEARS immediately preceding the
commencement of this case, or in which the debtor owned 5 percent or more of the voting or equity securities within SIX YEARS immediately
preceding the commencement of this case.

If the debtor is a partnership, list the names, addresses, taxpayer-identification numbers, nature of the businesses, and beginning and ending
dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities, within SIX

NAME, ADDRESS, AND LAST FOUR DIGITS OF SOCIAL-SECURITY OR OTHER INDIVIDUAL TAXPAYER-I.D. NO. (ITIN) / COMPLETE EIN	NATURE OF BUSINESS	BEGINNING AND ENDIN DATES
Little Papa's Restaurant (xxxx-xx-9135)	Restaurant	Unknown

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(if known)

STATEMENT OF FINANCIAL AFFAIRS

Continuation Sheet No. 4

None ☑ b. Identify any business listed in response to subdivision a., above, that is "single asset real estate" as defined in 11 U.S.C. §

The following questions are to be completed by every debtor that is a corporation or partnership and by any individual debtor who is or has been,
within SIX YEARS immediately preceding the commencement of this case, any of the following: an officer, director, managing executive, or owner
of more than 5 percent of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership, a sole proprietor,
or self-employed in a trade, profession, or other activity, either full- or part-time.

19. Books, records and financial statements

None ☐ a. List all bookkeepers and accountants who within TWO YEARS immediately preceding the filing of this bankruptcy case kept or supervised the

NAME AND ADDRESS	DATES SERVICES RENDERED
Ruben Reyes **R&R Associates** **P.O. Box 1076** **Ft. Stockton, TX 79735**	**1995 to Present**

None ☑ b. List all firms or individuals who within TWO YEARS immediately preceding the filing of this bankruptcy case have audited the books of account

None ☑ c. List all firms or individuals who at the time of the commencement of this case were in possession of the books of account and records of the

None ☑ d. List all financial institutions, creditors and other parties, including mercantile and trade agencies, to whom a financial statement was issued by

20. Inventories

None ☑ a. List the dates of the last two inventories taken of your property, the name of the person who supervised the taking of each inventory, and the

None ☑ b. List the name and address of the person having possession of the records of each of the inventories reported in a., above.

21. Current Partners, Officers, Directors and Shareholders

None ☑ a. If the debtor is a partnership, list the nature and percentage of partnership interest of each member of the partnership.

None ☑ b. If the debtor is a corporation, list all officers and directors of the corporation, and each stockholder who directly or indirectly owns, controls, or

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WESTERN DISTRICT OF TEXAS
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Case No. ____________________
(if known)

STATEMENT OF FINANCIAL AFFAIRS

Continuation Sheet No. 5

22. Former partners, officers, directors and shareholders

None ☑ a. If the debtor is a partnership, list each member who withdrew from the partnership within ONE YEAR immediately preceding the

None ☑ b. If the debtor is a corporation, list all officers or directors whose relationship with the corporation terminated within ONE YEAR immediately

23. Withdrawals from a partnership or distributions by a corporation

None ☑ If the debtor is a partnership or corporation, list all withdrawals or distributions credited or given to an insider, including compensation in any form,
bonuses, loans, stock redemptions, options exercised and any other perquisite during ONE YEAR immediately preceding the

24. Tax Consolidation Group

None ☑ If the debtor is a corporation, list the name and federal taxpayer-identification number of the parent corporation of any consolidated group for tax
purposes of which the debtor has been a member at any time within SIX YEARS immediately preceding the commencement of

25. Pension Funds

None ☑ If the debtor is not an individual, list the name and federal taxpayer-identification number of any pension fund to which the debtor, as an employer,

[If completed by an individual or individual and spouse]

I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct.

Date **8/1/2015** Signature of Debtor *David W McBirnie*

Date ____________ Signature of Joint Debtor (if any) ____________

Penalty for making a false statement: Fine of up to $500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571